IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 28806 of 2006(D)

PETITIONER:

JAIMON JAMES, AGED 40 YEARS,
S/O.JAMES, VALLITHOTTATHIL HOUSE,
KOODALLOOR, KIDANGOOR, KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS:
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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, OFFICE OF THE JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES, KOTTAYAM.

3. THE ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES, OFFICE OF THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES, PALA.

4. PALA URBAN CO-OPERATIVE BANK LTD.NO.
1850, PALA REPRESENTED BY ITS SECRETARY.

5. REGIMON JAMES, S/O.JAMES,
VALLITHOTTATHIL HOUSE, KOODALLOOR,
KIDANGOOR, KOTTAYAM.

BY ADV. SRI.P.C.HARIDAS
SRI.P.C.HARIDAS
GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE SALE SANAD NO.741 EXECUTED BY R3 IN FAVOUR OF R4**
EXT.P2	**TRUE COPY OF THE CIRCULAR NO.15/2004 DTD. 31-03-2004 ISSUED BY R1**
EXT.P3	**TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE FOURTH RESPONDENT.**
EXT.P4	**TRUE COPY OF THE JUDGMENT DTD.29-09-2006 IN W.P.C.NO.25797 OF THIS COURT.**
EXT.P5	**TRUE COPY OF THE RECEIPT DTD. 14-10-06 SHOWING REMITTANCE OF RS. 50,000/- TO R4**
EXT.P6	**TRUE COPY OF THE LETTER DTD. 18-10-06 ISSUED BY THE GENERAL MANAGER OF R4**
EXT.P7	**TRUE COPY OF THE REPRESENTATION DTD. 25-10-06 SENT BY THE PETITIONER TO R1**
EXT.P8	**TRUE COPY OF THE PETITION FILED BY THE PETITONER AS EA NO.198/2005 IN EP NO.7/2005**
EXT.P9	**TRUE COPY OF THE EXECUTION PETITION E.P.NO.37/2003 FILED BY R4 BEFORE THE SUB COURT, PALA**

RESPONDENT'S EXHIBITS

EXT.R4(A)	**TRUE COPY OF THE CIRCULAR NO.27/2006 DTD. 29-09-2006**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No.28806 OF 2006

Dated this the 30th day of May, 2007

JUDGMENT

The prayer in the writ petition is that there may be declaration that petitioner is entitled to one time settlement scheme to clear the liability due to the fourth respondent and to set aside Ext.P6. Admittedly, petitioner availed a loan which he could not repay and resulted in coercive steps. Property was sold and the fourth respondent bank purchased it. According to the bank, the delivery of the property was effected. This is disputed by the counsel for the petitioner. According to the Bank, the amount due is Rs. 6,80,624.25 and this is after adjusting the amount of Rs. 50,000/- received from the petitioner as per the interim order of this court. This is the amount as on 16/10/2006, he submits. According to the counsel for the petitioner the interest is excessive.

2. Learned counsel for the Bank submits that if the

petitioner moves a petition, the bank may consider granting of concession. Learned counsel for the petitioner submits that petitioner is prepared to pay off the entire amounts after the bank considers such grant of concession. He would submit that the petitioner may be given some time to pay off the entire amount fixed by the bank on the basis of the representation.

3. In such circumstances, the writ petition is disposed of as follows:

If the petitioner moves a representation before the fourth respondent within a period of ten days from today, the fourth respondent will consider the matter and will intimate the amount to be paid by the petitioner for reconveying the property by the bank to the petitioner. A decision will be taken and communicated by the fourth respondent bank within a period of one month from today. In view of the stand taken by the fourth respondent, upon the communication of the decision by the bank as aforesaid, if the petitioner pays the entire amount within a period of three months

from the date of communication of the decision, the fourth respondent bank will reconvey the property to the petitioner. The entire expense thereof also will be borne by the petitioner.

K.M.JOSEPH
JUDGE

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